



DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814

March 20, 1986

TO: All County Welfare Directors
County Administrative Officers

Letter No.: 86-16

INSTITUTIONAL STATUS

Attached are copies of the revised regulations governing institutional status. County welfare departments (CWD) should implement this revision effective the date of this letter.

This regulation change precludes Medi-Cal eligibility for certain institutionalized individuals from the date of arrest or entry into an institution through the date of release. Please note that a 10 Day Notice of Action (NOA) is not required prior to discontinuance of these individuals as discontinuance due to entry into an institution is not considered an adverse action (Title 22, California Administrative Code (CAC), Section 50015). CWD's should immediately discontinue individuals found to be institutionalized with an appropriate NOA, and request return of the Medi-Cal cards.

An advance copy of the revision of Medi-Cal Eligibility Manual (MEM) Procedures Section 6A incorporating this change is attached. This revision will be issued soon as a manual update. The existing MEM Procedures Section 6B, Coverage of City and County Prisoners, is made obsolete by this Regulation change.

Section 6B will be repealed by Manual Letter in the near future.

If you have any questions, please contact Toni Bailey at (916) 324-4953.

Sincerely,

Original signed by

Doris Z. Soderberg, Chief
Medi-Cal Eligibility Branch

Attachment

cc: Medi-Cal Liaison
Medi-Cal Program Consultants

Expiration Date: September 30, 1986

MEDI-CAL ELIGIBILITY MANUAL

6A-MEDI-CAL ELIGIBILITY FOR INSTITUTIONAL INMATES*

Title 22, California Administrative Code (CAC) Section 50273, precludes Medi-Cal eligibility for certain institutionalized individuals from the date of arrest or entry into an institution through the date of release. A 10 day Notice of Action (NOA) is not required prior to discontinuance as discontinuance due to entry into an institution is not considered an adverse action (Title 22, CAC, Section 50015).

County Welfare Departments (CWD) should immediately discontinue individuals found to be institutionalized with an appropriate NOA, and request return of the Medi-Cal card. The following chart identifies individuals ineligible due to institutional status.

MEDI-CAL ELIGIBILITY MANUAL

6A—MEDI-CAL ELIGIBILITY FOR INSTITUTIONAL INMATES*

Type of Institution	TYPE OF INMATE							
	Under Penal Hold	Court Committed			Juvenile		Voluntary (Including Parolee/ Probationer)	
		21—64	65 or Over	Under W&I Codes 601 or 300	Under W&I Code 602	Others Under 21	21—64	65 or Over
(1) Public or private mental institution. (a) Custodial care. (b) Patient care.	(a) Ineligible (b) Ineligible	Ineligible Ineligible	Ineligible Eligible	Ineligible Eligible	Ineligible Ineligible	Ineligible Eligible to age 22	Ineligible Ineligible	Ineligible Eligible
(2) Public or private institution for tuberculosis. (a) Custodial care. (b) Patient care.	(a) Ineligible (b) Ineligible	Ineligible Ineligible	Ineligible Eligible	Ineligible Ineligible	Ineligible Ineligible	Ineligible Ineligible	Ineligible Ineligible	Ineligible Eligible
(3) Public or private general medical facility. Diagnosis of tuberculosis, or other diagnosis.	Ineligible	Eligible	Eligible	Eligible	Ineligible	Eligible	Eligible	Eligible
(4) Public or private mental facility. Diagnosis of mental illness.	Ineligible	Ineligible**	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible
(5) Public or private nonmedical institution other than (1) or (2) above, such as board and care home.	Ineligible	Eligible	Eligible	Eligible	Ineligible	Eligible	Eligible	Eligible
(6) Public or private intermediate care or skilled nursing facility.	Ineligible	Eligible	Eligible	Eligible	Ineligible	Eligible	Eligible	Eligible

* Approval of an application of an inmate eligible as in accordance with (1) through (6) above shall be contingent upon all other eligibility criteria being met.

** Persons institutionalized prior to their 21st birthday are eligible until they reach their 22nd birthday as long as they remain continuously institutionalized and receive inpatient psychiatric care.

~~See Medi-Cal Procedure Manual 6B, Medi-Cal Eligibility for Institutionalized Persons, regarding Medi-Cal coverage of city and county prisoners.~~

Welfare and Institutions Code Number Explanations:

1. W&I 300—Person needs care due to mental or physical deprivation.
2. W&I 601—Uncontrollable—ward of court.
3. W&I 602—Violation of law.

W. B. G. 50273, THE 44, CAL. A. 50273, 1960.

50273. Ineligible Due to Institutional Status.

(a) Except as specified in (c), inmates in public or private institutions shall be ineligible for Medi-Cal due to institutional status if they are any of the following:

- (1) Detained under the penal system.
- (2) Detained under Section 602, Welfare and Institutions Code.
- (3) Under age 65 and patients in an institution for the treatment of tuberculosis.
- (4) Age 21-64 and patients in an institution for mental diseases, except that persons institutionalized prior to their 21st birthday shall be eligible until they reach their 22nd birthday, as long as they remain continuously institutionalized and continue to receive inpatient psychiatric care.
- (5) Inmates of a public institution which is not a medical facility.

(b) Ineligibility for persons classified as inmates in (a) begins on the day institutional status commences and ends on the day institutional status ends, except as specified in (c).

(c) Persons classified as inmates in (a) are eligible for Medi-Cal throughout the month institutional status commences and throughout the month institutional status ends if both of the following conditions are met. They are:

(1) Not any of the following:

(A) Age 21 through 64 and eligible under the Medically Indigent Program.

(B) Eligible only under the Medi-Cal Special Treatment Program.

(C) Eligible under the MC 600 Program.

(D) Eligible under the SGA Disabled Program.

(E) Eligible only for the Minor Consent Services Program with Section 50147.2.

(2) Otherwise eligible for Medi-Cal.

(d) (c) Institutional status of persons detained under the penal system including Section 602 of the Welfare and Institutions Code shall be considered to be terminated only when the inmates are released from the

public institution on permanent release, bail, probation or parole. Institutional status of such persons shall not be affected by an outpatient visit to a physician or other medical practitioner outside the public institution or transfer to a public or private medical facility.

(e) (d) Institutional status shall be considered to be terminated when either of the following situations exists:

(1) Persons are released from an institution for mental diseases or tuberculosis or transferred from such an institution to a public or private medical facility. Institutional status of such persons shall not be affected by an outpatient visit to a physician or other medical practitioner outside the institution.

(2) Persons are on conditional release or convalescent leave from an institution for mental diseases, except that persons who are under the age of 22 and have been receiving inpatient psychiatric services shall not be considered to be terminated until they are unconditionally released.

(f) The provisions of this section dealing with Medi-Cal-only applicants detained under the penal system shall apply to such persons who applied for Medi-Cal on or after May 27 1980.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 11014, 11016 and 14053, Welfare and Institutions Code.

Section 4011.1, Penal Code.

DRAFT